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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,377	03/10/2004	Qinglin Ma	2003P04030US01	4475

7590 03/17/2008
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

LAURITZEN, AMANDA L

ART UNIT	PAPER NUMBER
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3737

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/797,377</p>	<p>Applicant(s) MA ET AL.</p>	
	<p>Examiner A. LAURITZEN</p>	<p>Art Unit 3737</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Brian L Casler/
Supervisory Patent Examiner, Art Unit 3737

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding remarks directed to claim 1 and providing varied transmit polarity to elements simultaneously, Examiner understands this feature to be covered by the rejection under 35 U.S.C. 103(a) as unpatentable over Briskin (final Office action 2 January 2008). Briskin provides simultaneous variation of transmission characteristics of individual elements or groups of elements within the array (and it has been noted that transmit characteristics are known to include apodization, delay and polarity). While Briskin does not specifically address providing differing polarity to elements of the array, transmit characteristics are known to include polarity of the waveforms to those skilled in the art. Examiner directed attention to Ma (US 6,599,245) to show that polarity is a controllable transmission parameter to those skilled in the art (Response to Arguments section, p. 2, Office action 2 January 2008). Relevant sections pertaining to polarity variation of transmit waveforms of Ma include col. 2, lines 33-43.

Regarding remarks directed to claim 8 and a "shortened kerf", Examiner does not see particularly which limitation(s) within claim 8 correspond to this feature and it is not necessarily inferred from the claim. The "greater elevation extent" is corresponded to the array of Briskin in which rows of elements extend in the elevation direction "to a greater extent" than other adjacent rows (see, for example, Fig. 5 or 8). The claim language is not necessarily specific to the size of an individual element as the remarks suggest.

Regarding claim 9, the circular circumference of the array of Briskin is accomplished by providing a lesser number of elements in the elevation direction (per the definition of a 1.5-D array) and a greater number of elements in the center rows of the array. Robinson et al. was cited for use of a rectangular sparse array in which individual elements or groups of elements can be actively controlled as on or off. Both the arrays of Briskin and of Robinson are broadly regarded as having an annular configuration of elements.

Regarding allowable subject matter of claim 12, refer to comments in the section labeled Allowable Subject Matter, p. 8, of the final Office action of 2 January 2008. It has been suggested that the limitations of claim 12 pertaining to acquiring a two-dimensional image responsive to operating as a 1.5D array be incorporated into independent claim 9 and clearly specifying that it is the same annular array that is used for measuring a volume flow parameter that is operated as a 1.5D array for two-dimensional imaging.